

REMARKS

Rejections under 35 U.S.C. § 102

The Office Action rejects claims 1, 2, 3, 5, 7, 8, 11, 12, 14-19, 22-25, and 28 as being anticipated by Cisco Systems, Inc. reference entitled “Using Threshold Manager.”

Claim 1 recites a method of managing a telecommunications network comprising receiving a threshold expression from a user through a user interface and implementing the threshold expression within a network device *while the network device is operational*.

The Cisco reference is directed to a user manual for a threshold manager, which describes how to utilize the manager to set thresholds settings and retrieve event information. There is no indication in the manual that the threshold settings can be implemented or modified during operation of a device. In fact, the manual states that once the threshold manager is started, the threshold manager directory cannot be changed even when a new instance of the threshold manager is launched from within the application to monitor another device. (See, e.g., page 2-38 of the manual)

In contrast, claim 1 recites implementing the threshold expression while the network *device is operational*. For example, threshold expressions are implemented within the network device without the need to re-boot the network device. For example, a threshold monitoring library, which is in communication with an application for which thresholds are defined, can be modified while the network is operational to upgrade its associated expressions (p. 279).

Thus claims 1, and claims 2, 3, 5, and 7, which depend either directly or indirectly on claim 1, distinguish patentably over the cited Cisco reference.

Claim 8 is rewritten in an independent format to including the limitations of claims 1 and 5, on which it depends. The same arguments represented above with respect to claim 1 apply with equal force to establish that claim 8 distinguishes over the Cisco reference. Not only does claim 8 recite implementing a threshold expression while the *device is operational*, but it also recites specific steps for accomplishing this task – features not taught by the Cisco reference.

Further, claims 9 and 10 depend on claim 8, and hence, incorporate its features. In addition, claim 10 recites updating thresholding code including sending *an active query notice* to each application including the thresholding code and corresponding to the selected resource. There is no indication in the Cisco reference that an active query notice is used to inform applications of changes to threshold expressions stored in the configuration database.

Independent claim 11 recites a method of managing a telecommunications network comprising receiving a new threshold expression from a user through a user interface and implementing the new threshold expression within a network device while the network device is *operational*. Independent claim 12 recites a method of managing a telecommunications network comprising displaying a plurality of existing threshold expressions through a user interface, receiving a user selection of one of the existing threshold expressions, and implementing the selected threshold expression within a network device while the network device is *operational*. The arguments presented above show that both claims 11 and 12 are patentable over the Cisco reference as both claims recite implementing the threshold expressions while the network device is *operational*.

Independent claim 14 recites a method of managing a telecommunication network comprising assigning a unique identifier to each of a plurality of resources in a network device, receiving a resource selection from a user through a user interface, and *establishing a threshold evaluation* for the selected resource *using the unique identifier* assigned to the selected resource. Unlike claim 14, the Cisco reference does not teach assigning unique identifiers to resources in a network device, e.g. a SONET path. In fact, the MIB variables to which the Examiner refers are standardized definitions for selected attributes of a network system, and not unique identifiers for resources of a network device.

Hence, claim 14 is patentable over the cited reference, and in addition, claims 15-19, which depend either directly or indirectly on claim 14, not only incorporate features of this claim, but they also recite additional patentable features. For example, claim 16 recites that the threshold evaluation is established within the network device while the device is *operational* – a feature not disclosed by the Cisco reference, as discussed in detail above.

Independent claim 22, as amended, recites a method of managing a telecommunications network comprising modifying one or more threshold expressions within a network device while the network device is operational, detecting a threshold event in an application within a network device in accordance with the *modified threshold expression*, notifying thresholding code of the threshold event, and responding to the threshold event in accordance with an action defined within the thresholding code. The arguments presented above also apply to establish that amended claim 22 is patentable over the Cisco reference. For example, claim 22 recites modifying a threshold expression in a network device while the device is operational, which is not taught by the Cisco reference.

Claims 23, 24, 25, and 28 depend, either directly or indirectly, on claim 22, and hence contain the features of claim 22. Hence, similar to claim 22, these claims are also patentable over the Cisco reference.

In Paragraph 24, the Office Action rejects claim 13 as being anticipated by U.S. Patent No. 5,751,964 of Ordanic et al.

Claim 13 recites a method of managing a telecommunications network comprising implementing a plurality of cascaded threshold expressions within a network device.

Ordanic is generally directed to a method for adaptively updating thresholds in a communication network by using an algorithm for automatically determining threshold values for particular data streams. The algorithm can be employed to set new thresholds based on incoming data corresponding to a counter variable being monitored. Ordanic, however, does not teach or suggest *cascaded* threshold expressions, in which detection of a threshold event corresponding to one threshold expression can activate a separate threshold expression. The passage in Ordanic to which the Examiner refers simply describes generating a new threshold value, or possibly multiple threshold values, based on data received from a counter. It does not describe activating a threshold expression in response to the occurrence of a threshold event defined by a previous (and separate) threshold expression.

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The Office Action rejects claim 4 as being unpatentable over the Cisco reference in view of Ordanic. Claim 4 depends on claim 1 and further recites that the threshold expression includes a plurality of cascaded threshold expressions. As noted above, Cisco does not teach the salient features of claim 1, and hence those of claim 4. Further, Ordanic does not disclose *cascaded threshold expressions* as discussed in detail above. Nor does the Cisco reference teach such cascaded threshold expressions. Hence the combined teachings of Cisco and Ordanic fail to disclose the subject matter of claim 4.

In Paragraph 29, the Office Action rejects claims 6, 10, and 21 as being unpatentable over the Cisco reference. Claim 6 depends on claim 5, which in turn depends on claim 1. Claim 10 depends on claim 8. Claim 21 depends on claim 17, which in turn depends indirectly on claim 14. As discussed in detail above, Cisco fails to teach the subject matter of claims 1, 8, and 14. In particular, Cisco fails to teach implementing a threshold expression in a network device while the network device is *operational*. Moreover, the Examiner fails to identify any other references that overcome the shortcomings of Cisco in this regard. Therefore, claims 6, 10, and 21 are patentable.

In Paragraph 32, the Office Action rejects claims 9 and 20 as being unpatentable over the Cisco reference in view of a reference published by Microsoft Corporation. Claim 9 and 20 depend respectively on claim 8 and 17 (claim 17 depends indirectly on claim 14). As noted above, Cisco fails to teach the features of claim 8 and 14, e.g., implementing threshold expressions within a network device while the network device is operational, or assigning *unique identifiers* to resources in a network device. Microsoft does not bridge the gap in the teachings of Cisco in that it is generally directed to a method for enhancing the security of SNMP communications through the use of community names and authentication traps to restrict the communication of an SNMP agent to only a specific list of other SNMP management systems. This reference does not teach or suggest dynamically implementing threshold expressions on a network device. Nor does it teach assigning unique identifiers to a plurality of resources in a network device to be used for establishing threshold evaluations for those resources.

In Paragraph 34, the Office Action rejects claims 26 and 27 as being unpatentable over the Cisco reference in view of U.S. Patent No. 6,714,977 of Fowler et al. Claim 26 depends on claim 24, which in turn depends on independent claim 22, and claim 27 depends on claim 22. As noted above, Cisco does not teach the features of amended claim 22. For example, it does not teach modifying one or more threshold expressions within a network device while the device is operational. Similar to the Cisco reference, Fowler does not teach modifying one or more threshold expressions within a network device while the network device is operational.

New Claims

Independent new claim 29, and new claims 30 and 31, which depend on claim 29, are added. Support for these claims can be found on pages 269-279, and throughout the remainder of the application. Thus, no new matter is added. Independent claim 29 distinguishes over the cited references in that none of these references teaches linking a threshold monitoring library (TML) to an application, and utilizing active query features of a configuration database to inform the TML of threshold events associated with that application.

Conclusion

In view of the above remarks, Applicants respectfully request reconsideration and allowance of the application. Applicants invite the Examiner to call the undersigned at (617) 439-2514 if there are any remaining issues.

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Respectfully submitted,

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